

Attorney Docket No. 5405-311  
In re: Newgard et al.  
International App. No.: PCT/US2004/031284  
International Filing Date: September 23, 2004  
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**REMARKS**

The preliminary amendment present herein amends the specification to update the priority claim. The specification has also been amended to present a copy of the Abstract on a separate page. Claims 10, 32-35, 43, 47 and 48 have been amended and claims 2, 13, 14, 17, 18, 21, 22, 25-31, 36-42, 44-46, 49-51, 55, 57, 58, 60, 62, 63, 65, 69, 70, 72, 73, 75, 79, 80, 82, 83 and 85 canceled without prejudice or disclaimer to reduce the fees for multiply dependent and excess claims. Please calculate all claim fees on the basis of the claims as presented herein.

Claims 1, 3-12, 15, 16, 19, 20, 23, 24, 32-35, 43, 47, 48, 52-54, 56, 59, 61, 64, 66-68, 71, 74, 76-78, 81 and 84 are pending in this application. The Applicants submit that this application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,



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Katie Wu